

AOSE ADVISORY COMMITTEE

MEETING MINUTES:

July 13, 2006

On July 13, 2006, 2006, the AOSE Advisory Committee held a meeting in the Fifth Floor conference room of the Office of Environmental Health Services, 109 Governor Street, Richmond, Virginia 23219. The following committee members attended in person or via polycom:

- Andre Fontaine, P.E., Real Estate Agent;
- Dan Horne, Virginia Department of Health, Virginia Beach Health District
- Dwayne Roadcap, Facilitator, VDH-Division of Onsite Sewage & Water Services; and

The following committee members were not present:

- Ken Addison, surveyor
- Ray Wilson, contractor
- Frances Wright, contractor
- John Burleson, Virginia Department of Health, Central Shenandoah Health District;
- Neal Spiers, AOSE, CPSS;
- Phil Dunn, AOSE;
- Chip Dunn, P.E., AOSE
- Wayne Fenton, Well Driller
- David Fridley, VDH Employee
- Stuart McKenzie, local government
- Pam Pruett, AOSE;
- David Waldrep, Virginia Department of Health, Piedmont Health District;
- Curtis H. Moore, AOSE, CPSS;

Handouts for the meeting included the following:

1. Meeting agenda;
2. Future Discussion Topics (updated 07/13/06);
3. Meeting minutes from 5/22/06

Committee Purpose: The Advisory Committee makes recommendations to the Commissioner of Health on policy, procedures, and regulations for the Authorized Onsite Soil Evaluator (AOSE) program. The committee's discussion and recommendations are only limited by what the Committee wishes to address. Committee members and stakeholders may attend meetings via remote locations through the health department's video-conferencing system.

Committee Decisions: The committee reaches all decisions using a "full-consensus" mechanism, meaning that all members in attendance must agree before a recommendation is sent to the Commissioner. Members who do not attend a meeting are expected to support their fellow members on decisions reached in their absence.

Ground rules:

1. Respect all views and welcome new ideas.
2. Participate, be candid, and avoid personal attacks.
3. Be respectful when you have the floor. Keep comments pithy and concise. Limit speaking time to assure that all members have an opportunity to be heard.
4. Listen for new understandings and offer new perspectives.
5. Focus on agenda and topic. Assist facilitator and chairperson in keeping the discussion focused and on topic.
6. Avoid "side bar" conversations and hidden criticism.

The Committee will seek non-committee input on an as-needed basis. The facilitator or chair person may recognize a non-member. Depending on the flow of discussion and the topic, the chair person could allow non-committee participants to interject without being recognized on a case-by-case basis. David Fridley, David Waldrep, Curtis Moore, Phil Dunn, Pam Pruitt, Neal Spiers, and Frances Wright agreed to act as chair persons for the Committee on a rotating schedule.

Dwayne Roadcap stated that John Burleson had withdrawn from the committee because he was leaving his position with the local health department. Dwayne noted that he would look into finding a replacement for him and would hope fill the position within the next few months.

Committee Discussion:

Dwayne stated that if he did not receive additional comments regarding the most recent changes to the AOSE implementation manual and cover page, then he would move forward with the process to change GMP #126. Dan Horne would like to make sure that VDH sends out notice of the change via electronic mail, put a notice on the website, and ask VDH staff to tell AOSEs about the changes. Dan thought this policy change would be a good opportunity to work on how VDH communicates changes.

Dwayne also stated that VDH would be working with the Department of Professional and Occupational Regulation (DPOR) on a memorandum of agreement over the next several weeks. Mark Courtney, Executive Director for the APELSCIDLA Board with DPOR noted that the APELSCIDLA Board had received concerns from its regulants that VDH policies might be allowing non-licensed persons to practice engineering. Dwayne wanted to keep the AOSE Advisory committee abreast of the discussions with DPOR as these issues were discussed. You can find a copy of the draft meeting minutes

AOSE Advisory Committee

July 13, 2006

Page 3 of 11

of the APELSCIDLA on the Virginia townhall website: <http://townhall.state.va.us/>.
Without further need, the group adjourned the meeting at 9:15 AM.

AOSE Advisory Committee
Agenda for July 13, 2006 Meeting

See Attachment #1 of Future Discussion Topics.

9:00 AM – 9:15 AM: Review May 22, 2006 minutes

Actions: **Modify and/or approve minutes**

<p>9:15 AM – 10:30 AM: AOSE</p>	<p>Revisit committee recommendation on changes to the</p>
	<p>Implementation Manual</p>
	<p>Brief discussion about VDH beginning a discussion with</p>
	<p>DPOR on a MOA.</p>

10:30 AM – Noon: **AOSE Topic Discussion (To Be Determined):**

Noon – 12:30 PM: Working lunch. Continue discussions:

12:30 PM – 2:00 PM: **Continue discussions**

2:00 PM: Meeting Adjourned.

Next meeting dates are as follows: 9/14/06 and 11/9/06.

Please contact Dwayne Roadcap at (804) 864-7462 with other ideas for discussion at this meeting. Primary meeting location in the OEHS conference room, 5th Floor, 109 Governor Street. Video-conferencing via local health departments provided with advance scheduling.

Attachment #1 for July 13, 2006 Meeting

Future Discussion Topics

AOSE Advisory Committee

Note: Yellow Highlights indicate that Committee has discussed the item

Process Issues

- 1. Why are different health districts implementing the AOSE policy and regulations differently?¹**
- 2. Can VDH require AOSE work on sites previously approved where the owner wants to change things (ie. Changes in house location, well location, number of bedrooms, etc.)?²**
- 3. To what extent should VDH help AOSE/PEs research files for proposed drainfields and wells on neighboring properties? How can this need be better coordinated?²**
- 4. Can deemed approval apply to proprietary, pre-engineered systems without a change to the law?²**
- 5. Can VDH apply “deemed approval” to all AOSE/PE work or work that a PE uses with a VDH certification letter to help speed up the process for owners?³**
- 6. Should VDH and AOSE/PEs be required to field stake their proposed well and drainfield locations?⁴**
- 7. Can VDH provide more consistency as to when it requires formal plans from a PE on alternative systems?⁴**
- 8. Should VDH perform site evaluations and be in the design business? Should VDH focus its resources on plan review, being a record keeper, developing reports on system function, O&M, QA/QC, and perhaps do site evaluations "as means of last resort"?⁴**
- 9. Should VDH discuss waivers from secondary effluent or pressure dosing with owners who submit repair applications with supporting AOSE/PE work? VDH staff do not generally interfere in the design consultation between client and AOSE, but VDH staff do not know whether the AOSE discussed the option for a waiver with the client, or for that matter, the myriad other design options available when treatment and pressure dosing are used.⁴**
- 10. How can OEHS improve its communication of statewide policies to AOSE/PEs? OEHS seems to create additional process through electronic communication without adequate notice to all stakeholders.⁴**

¹ Discussed at 7/12/05 meeting. No recommendation reached.

² Discussed at 8/9/05 meeting. Recommendation in meeting minutes.

³ Discussed at 11/10/05 meeting. No recommendation reached.

⁴ Discussed at 1/17/06 meeting. No recommendation reached.

⁵ Discussed at the 5/22/06 meeting. No recommendation reached.

Paperwork Issues

1. Does AOSE have to stamp every page?¹
2. What is the minimum quality of work expected? (handwritten vs. type, to-scale drawing, showing only the “good” borings, field staking the footprint, field staking the well area, etc.)
3. How can we develop standardized forms as listed in the implementation manual?
4. How can VDH improve its letters of approval to assure that contractors know the exact location of the property and where to install the system? Health departments use different dates for their letters of approval and it is confusing when compared to the AOSE package, which often has different dates. Sometimes there are multiple letters of approval for different sized houses.⁵
5. Should VDH require its staff (especially AOSEs) to produce the same paperwork that is expected of AOSEs working in the private sector (i.e., scaled drawings, stamp & seal every page, page numbering, etc.)?⁵
6. VDH does not require a survey plat for its work but AOSE/PEs must have it. VDH requires AOSE/PE to survey locate their work for certification letters but does not require it for their work. AOSE/PEs must show their work to scale but health department staff can “triangulate” their measurements. How can VDH stop the double standard?⁵
7. If an AOSE is available to inspect his design, why can a contractor or owner hire a different AOSE to do the inspection? It is best practice to have the AOSE/PE that designed the system to inspect it, if possible.⁵
8. If an AOSE requires more stringent construction (say Sch. 40 instead of corrugated pipe for the header line) and another AOSE inspects the system, does the inspecting AOSE have to approve the installation even if the contractor did not install the system as specified by the design AOSE?⁵

Installer Issues

1. How can installers (well drillers and septic contractors) better coordinate inspections with the private sector?
2. How does the installer know that the permit it receives from the owner/AOSE is the correct permit?
3. How can stakeholders limit garages, sheds, outbuildings, swimming pools, etc. from encroaching into the proposed footprint before a system is installed?
4. How can stakeholders better communicate when a permit change is needed and the contractor is on-site to do the work?

5. Can VDH or AOSEs inform the installers at the time of inspection whether the system's construction passes? Often, people leave without giving an answer and the installer is left there with people and equipment.
6. Well drillers often receive different looking permit packages from AOSEs. Some paperwork has measurements shown, others are shown "to-scale", some do not include a cover page, others simply have a drawing. Should AOSE permit packages be more uniform to assist the installer?
7. Should an AOSE be required to field stake by survey their well locations when conventional means of measuring is impossible? Well drillers find permits with scaled drawings but you cannot measure to the well site without a surveyor.

Inspection Issues

1. Why is an "as-built" drawing needed if the system is installed just as shown on the construction permit?
2. Should AOSEs fill out a different inspection form? Currently, they do not need to list the exact components installed.
3. How can VDH assure equal treatment in the review of AOSE work from varying districts and counties? Currently, AOSE work and their package designs must meet different standards in varying counties and health districts.
4. Should a contractor be able to hire an inspector for their job? Is there a conflict of interest in an AOSE accepting money from a contractor for their inspection? Many AOSEs are including inspection notices in their packages, including charges based upon lead-time notification, which the contractor seems to pay.
5. Should AOSEs be required to perform safe, adequate, and proper (SAP) inspections under Title 32.1-165 of the Code of Virginia? Although it may be that private sector AOSE's have no obligation to accept all service requests, nonetheless, as members of a state enforced monopoly, as a group, should there be some obligation to provide the full range of services for which they are authorized?

Rule/Policy/Reg Issues

1. What is the practice of engineering? Can AOSE design duplex or small commercial facilities?
2. How can fees charged be changed or addressed? (Local vs. state)
3. How to get consistency across health district lines?
4. How can customers be better informed of the AOSE/PE requirements for alternative systems? Often, contractors are left holding the bag to explain system components and O&M.
5. Should VDH be more involved with O&M agreements for alternative systems?

Training & Testing Issues

- 1. What are the training needs for AOSE/PEs and VDH employees?**
- 2. Can VDH begin to offer more training courses for alternative systems, inspections, etc?**
- 3. Can VDH create an AOSE-in-Training category for those areas of the states where there are too few AOSEs and pricing for the work is high? In Southwest VA, there are too few AOSEs for the work needed. Surveyors might be able to take some classwork for the soil training to enter such a category.**
- 4. Should a suggested minimum standards of "good" practice document be created for AOSE work? This document would not have to be binding but would offer guidance to AOSEs and set the "standard" for what should be done.**

Enforcement Issues

- 1. When should VDH take enforcement action against an AOSE?**
- 2. What should the penalties be for submitting poor work to the health department?**
- 3. How can VDH take quicker action when a problem is encountered with bad private sector work?**

Draft Changes to the AOSE Implementation Policy (in red): GMP #126

C. General Requirements.

1. All requests for VDH approvals or reviews (construction permits, letters, subdivision approvals, courtesy reviews) must be made in writing and must contain a statement signed by the owner of record giving VDH permission to enter the property during the processing of the request and until such time that an operation permit has been issued for a sewage system. Generally, requests for construction permits and letters begin with the filing of an application; requests for review of proposed subdivisions are initiated by a local government, and requests for courtesy reviews are initiated by an AOSE/PE.
2. All evaluation reports and designs submitted to VDH, whether by an AOSE/PE or by any other person, must be in the form specified in this policy and contain the minimum information required, and shall be certified as substantially complying with the minimum requirements of the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-20 et seq., the “Regulations”). (See *AOSE Regulations*, section 70). ~~Whenever an AOSE is required to sign or certify work according to the *AOSE Regulations* and/or this policy he must, in addition to his signature, apply a stamp or a preprinted or electronic seal bearing the AOSE’s name and certification number to original cover sheets of plans, drawings, plats, reports, and specifications and to each original sheet of plans, drawings, plats, reports, and specifications prepared by the AOSE or someone under his direct control and supervision. Application of the seal and signature indicates acceptance of responsibility for work shown thereon.~~
3. Whenever an AOSE is required to sign or certify work according to the *AOSE Regulations* and/or this policy, he must, in addition to his signature, apply a stamp or a preprinted or electronic seal bearing the AOSE’s name and certification number to the original cover sheet and to any original site sketches or original designs. The AOSE does not need to stamp soil reports, “cut-sheets”, or other pages not listed above. The stamp or preprinted or electronic seal shall conform in detail and size to the design illustrated in 18VAC 10-20-760.B.6 of the *APELSCIDLA Regulations*. The stamp or preprinted or electronic seal on the cover page shall indicate that the AOSE/PE accepts responsibility for the work identified by the cover page. Copies of the original work do not need an original stamp or preprinted or electronic seal, signature, or date.
4. An electronic seal, signature, and date is permitted in lieu of an original seal, signature, and date when it is a unique identification of the professional, is verifiable, is under the professional’s direct and sole control, is linked to the

document's file in such a manner that changes are readily determined and visually displayed, and changes to the document after affixing the electronic seal would remove the seal. See 18 VAC 10-20-760.

5. The cover page shall be identified as Page 1 of X, and shall at a minimum contain a list of the documents contained in the design package, identify the property and property owner, date, and, revision dates. To assure that contractors have the correct set of plans, the health department's approval letter must correspond to the date on the cover page or the date of last revision on the cover page, if revisions are made.
6. The owner of the property has responsibility to file an application with the local health department. An application is still required to receive a construction permit or certification letter regardless of whether the application is part of the AOSE package or filed separately (and the supporting AOSE work is attached to the application). The local health department must receive one original report of any evaluation or design when the application is supported by AOSE/PE work.

Whenever VDH denies a request for site approval (construction permit, letter, subdivision approval) for a reason that is correctable by the applicant, the owner may submit additional information as necessary within 90 days from the date the request was rejected. Examples of such administrative denials include cases where applications are incomplete, inaccurate information is provided, applications are not in proper form, engineering plans are needed, or a lot needs to be cleared. The time limits for processing the application, when applicable, will begin anew on the day the additional information is received.

- D. Sunset Date.** After December 31, 2005, ("sunset date") local and district health departments will accept private evaluations and designs only from an AOSE/PE. Local and district health departments must return to the applicant any non-AOSE/PE materials that are submitted after the sunset date. If, after the sunset date, the request for approval (application for permit or letter or request for subdivision review) requires a private evaluation, it will be rejected as incomplete (administrative denial) if it is not accompanied by appropriate supporting documentation from an AOSE/PE. If a private evaluation is not required, the application will be handled as a bare application. Throughout this policy, private evaluations and designs will be referred to generally as 'AOSE/PE evaluations and designs' with the understanding that VDH will continue to accept evaluations and designs from non-AOSE/PE consultants until the sunset date. Such non-AOSE/PE evaluations and designs must comply with the requirements of the *AOSE Regulations* and this policy, they are not subject to deemed approval and they must be fully reviewed by VDH in the field.

